

Application No. 09/732,205  
Amendment dated June 14, 2005  
Reply to Office Action of February 24, 2005

### **REMARKS**

Claims 1-11 are pending in the application; the status of the claims is as follows:

Claims 1-5, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,178 B1 to Kazami ("Kazami") in view of U.S. Patent No. 4,945,424 to Hiroki et al ("Hiroki et al.").

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Hiroki et al. and in further view of U.S. Patent No. 5,144,491 to Ushiro et al ("Ushiro et al.").

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Ushiro et al.

Claim 6 is objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully requests the Examiner's approval of the substitute formal drawings filed on February 9, 2001.

Claims 1, 5-7, 9, and 11 have been amended to more particularly point out and distinctly claim the subject matter of the invention. These changes do not introduce any new matter.

### **35 U.S.C. § 103(a) Rejections**

The rejection of claims 1-5, and 11 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki et al., is respectfully traversed based on the following.

Claim 1, as amended, recites “a controller for setting the electronic finder to the activated state forcedly when the electronic zoom is performed by the operation member, even if the electronic view finder had been manually turned off.” The controller turns on the electronic view finder, overriding, if necessary, a user that has manually turned the EVF off. It is respectfully submitted that this is not taught by either Kazami or Hiroki. Kazami does not provide any teaching as to when the EVF is to be turned on. Hiroki teaches to turn the EVF on or off depending on an operating mode of a video camera. For example, if the images captured by the camera are being viewed or recoded, *e.g.*, a picture taking mode, then the EVF is turned on. Columns I and III of Table 1. In a playback mode, the EVF is off. Column II of Table 1. No teaching is provided that would suggest turning the EVF on or off when the operating mode or configuration of the video camera has **not** changed, *e.g.*, when changing a picture taking parameter—aperture, shutter speed, zoom, etc.—while still in a picture taking mode. In view of the forgoing, it is respectfully submitted that claim 1, as amended, distinguishes over the combination of Kazami and Hiroki.

Claims 2-4 depend from claim 1. It is, therefore, respectfully submitted that these claims distinguish the combination of Kazami and Hiroki for at least the same reasons as provided for claim 1.

Claim 5 has been amended to recite “a controller for setting the electronic finder to the activated state forcedly when an effective magnification of one or both an optical zoom of said zoom lens or said electronic zoom is less than a minimum or more than a maximum possible magnification of said optical finder.” Based on the statement made in the last sentence of the first paragraph on page 4 of the Office Action, the combination of Kazami and Hiroki should no longer read on the amended claim 5.

Claim 11 has been amended to include features analogous to those found in claim 1. It is, therefore, respectfully submitted that claim 11 distinguishes the combination of Kazami and Hiroki for at least the same reasons as provided for claim 1.

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Accordingly, it is respectfully requested that the rejection of claims 1-5, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Hiroki et al., be reconsidered and withdrawn.

The rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki et al. and in further view of Ushiro et al., is respectfully traversed based on the following.

Claim 7, as amended, recites "a controller for setting said electronic finder to the activated state when said magnification is determined to be outside a magnification range of the optical finder, wherein said magnification range extends from a minimum to a maximum magnification of said optical finder." Based on statements made in the first paragraph on page 4 of the Office Action, the combination of Kazami and Hiroki should no longer read on claim 7. It is respectfully submitted that Ushiro does not cure the deficiencies of the Kazami and Hiroki. Accordingly, claim 7 distinguishes the proposed combination of references.

Claim 8 depends from claim 7. It is, therefore, respectfully submitted that claim 8 distinguishes the combination of Kazami, Hiroki, and Ushiro for at least the same reasons as provided above regarding claim 7.

Accordingly, it is respectfully requested that the rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki et al. and in further view of Ushiro et al., be reconsidered and withdrawn.

The rejection of claims 9 and 10 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Ushiro et al., is respectfully traversed based on the following.

Claim 9, as amended, recites "an indicator for indicating a warning when said magnification is outside a magnification range of the optical finder, wherein said magnification range extends from a minimum to a maximum possible magnification of

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said optical finder.” Based on statements made in the first paragraph on page 4 of the Office Action, the combination of Kazami and Hiroki should no longer read on claim 9. Therefore, Kazami alone cannot read on amended claim 9. It is respectfully submitted that Ushiro does not cure the deficiencies of the Kazami. Accordingly, claim 9 distinguishes the proposed combination of references.

Claim 10 depends from claim 9. It is, therefore, respectfully submitted that claim 10 distinguishes the combination of Kazami and Ushiro for at least the same reasons as provided above regarding claim 9.

Accordingly, it is respectfully requested that the rejection of claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Ushiro et al., be reconsidered and withdrawn.

#### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

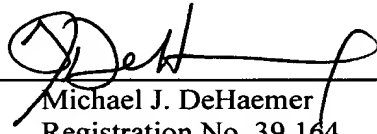
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.



Respectfully submitted,

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